

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

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DANIEL LOVELACE and  
HELEN LOVELACE, Individually, and as Parents of  
BRETT LOVELACE, deceased,

Plaintiffs,

vs.

NO.: 2:13-cv-02289 dkv  
JURY TRIAL DEMANDED

PEDIATRIC ANESTHESIOLOGISTS, P.A.;  
BABU RAO PAIDIPALLI ; and MARK P. CLEMONS,

Defendants.

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**PLAINTIFFS' PRETRIAL DISCLOSURES**

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COME NOW the Plaintiffs, Daniel Lovelace and Helen Lovelace, individually, and as Parents of Brett Lovelace, deceased, by and through the undersigned counsel of record, pursuant to Fed. R. Civ. P. 26(a)(3)<sup>1</sup>, provides the following pretrial disclosures:

- (i) **The Name And, If Not Previously Provided, The Address And Telephone Number Of Each Witness – Separately Identifying Those The Party Expects To Present And Those It May Call If The Need Arises**

**Plaintiffs expect to call the following witnesses:**

1. Daniel Lovelace  
Address known to all  
Phone: 870-514-1982
2. Helen Lovelace  
Address known to all  
Phone: 870-636-3806

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<sup>1</sup> Pursuant to Fed. R. Civ. P. 26(a)(3), Plaintiffs reserve the right to present undisclosed evidence at trial used solely for impeachment.

3. Jason D. Kennedy, M.D.  
VUMC Department of Anesthesiology  
1211 21<sup>st</sup> Avenue South, Medical Arts Bldg. 526  
Nashville, TN 37232
4. Robert E. "Jay" Marsh, C.P.A., C.F.A., P.E., J.D.  
Marsh Economic Consulting, Inc.  
6 Levant Drive  
Little Rock, AR 72212-2658  
Phone: (501) 821-6677
5. Frank J. Peretti, M.D.  
Forensic Pathologist  
Arkansas State Crime Lab  
3 Natural Resources Drive  
Little Rock AR 72205  
Ph: (501) 683-6122

**Plaintiffs may call the following witnesses:**

6. Any and all witnesses listed by Defendants, including the Defendants, their agents, servants and employees;
7. Le Bonheur Children's Medical Center nursing personnel, including, without limitations, the following:  
  
Wayne Sutter, EMT, the Methodist EMT who observed Brett Lovelace in the PACU; Elizabeth Hinson, R.N, Margarte Yoste, R.N, Brittany M. Dye, Halie N. Henson, Emily Todd, Mark Bugnitz, M.D.
8. Plaintiffs or family members identified in Defendants' discovery responses who filed malpractice claims against a Defendant, who have knowledge of prior errors.
9. Allen Fincher, Owner, Finco Trucking  
Address Unknown
10. L. Dewayne Weeks, Co-Owner of W & W Landleveling;  
Address Unknown

**(ii) Designation Of Those Witnesses Whose Testimony The Party Expects To Present By Deposition And, If Not Taken Stenographically, A Transcript Of The Pertinent Parts Of The Deposition**

Plaintiffs, Daniel Lovelace and Helen Lovelace, anticipate using all or portions of the depositions of Babu Rao Paidipalli, Mark P. Clemons and Kelly Kish, subject to the Court's ruling on objections stated in the depositions or otherwise, under the Federal Rules of Evidence. To the extent that Defendants intend to use Plaintiffs' depositions, or parts thereof, Plaintiffs reserve the right to offer portions as well for rebuttal or completeness, so as to address the matters offered by a defendant. The same procedure applies to any experts offered who were deposed.

**(iii) Identification Of Each Document Or Other Exhibit, Including Summaries Of Other Evidence – Separately Identify Those Items The Party Expects To Offer And Those It May Offer If The Need Arises.**

**Plaintiffs expect to offer the following documents as Exhibits:**

1. Photographs taken by Helen Lovelace in the PACU;
2. Photographs taken by Helen Lovelace of her son on other occasions;
3. Photographs taken by Helen Lovelace of her son, Dr. Paidipalli, Dr. Clemons, Grace Freeman, Kelly Kish, and others at Le Bonheur Children's Medical Center before and after the surgery;
4. Le Bonheur Children's Medical Center /Methodist Le Bonheur Healthcare medical records;
5. Le Bonheur Children's Medical Center/Methodist Le Bonheur Healthcare medical bills;
6. Mark Clemons, M.D.'s medical records;
7. Medical Illustrations prepared by MediVisuals, Inc.;
8. Jason D. Kennedy, M.D.'s Expert Report, Curriculum Vitae, reasons, bases, support, references;
9. Frank J. Peretti, M.D.'s, Expert Report, Curriculum Vitae, Death Certificate, Autopsy Report, reasons, basis, support, references, exhibits, notes, photographs, findings, file; and
10. Robert E. "Jay" Marsh's Expert Report, Curriculum Vitae, exhibits, tables, stated bases and reasons.

**Plaintiffs may offer the following documents as Exhibits:**

11. Any pleadings filed in this cause, including discovery responses served in this cause;

12. Any exhibits to any deposition taken in this cause;
13. Le Bonheur Children's Medical Center's procedures effective for March 12-14, 2012 for dictation of surgical reports;
14. Le Bonheur Children's Medical Center's procedures for the anesthesia services provided on March 12, 2012;
15. Summaries of fault and damages;
16. Timeline of Events Chart;
17. Definitions of glossary chart/boards;
18. Jury Instructions chart/boards;
19. Pulse oximeter, supplemental oxygen equipment and patient dummy;
20. A.S.A. Nurse Anesthetist Scope of Practice and Rules;
21. Letter written by Allen Fincher, Finco Trucking;
22. Letter written by L. Dewayne Weeks;
23. Any and all exhibits identified or used by the Defendants, Pediatric Anesthesiologists, P.A., Babu Rao Paidipalli and Mark P. Clemons; and
24. Copies of all O.R. Reports of Dr. Mark Clemons, noting time of dictation, transcription, and time of any records, alterations or re-dating/re-timing.

Respectfully submitted,

**HALLIBURTON & LEDBETTER**

/s/ Mark Ledbetter

MARK LEDBETTER (TN# 17637)

Attorney for Plaintiffs

254 Court Avenue, Suite 305

Memphis, TN 38103

(901) 523-8153-phone

[Mark794@aol.com](mailto:Mark794@aol.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been properly served upon all counsel of record identified below via the Court's ECF filing system and via U. S. Mail, first class postage prepaid this 20<sup>th</sup> day of December, 2014.

J. Kimbrough Johnson/Marcy Dodds Magee/Margaret Cooper/Natalie Bursi  
2900 One Commerce Square  
40 S. Main Street  
Memphis, TN 38103  
Attorneys for Mark Clemons  
901/525-8721-phone  
901/525-6722-fax  
[jjohnson@lewisthomason.com](mailto:jjohnson@lewisthomason.com)  
[mmagee@lewisthomason.com](mailto:mmagee@lewisthomason.com)  
[mcooper@lewisthomason.com](mailto:mcooper@lewisthomason.com)  
[nbursi@lewisthomason.com](mailto:nbursi@lewisthomason.com)

W. Bradley Gilmer/David Cook/Jerry Potter/Karen Koplon  
The Hardison Law Firm  
119 S. Main Street, Suite 800  
Memphis, TN 38103  
Attorneys for Babu R. Paidipalli & Pediatric Anesthesiologists, P.A.  
901/525-8776 – phone  
901/525-8790 – fax  
[bgilmer@hard-law.com](mailto:bgilmer@hard-law.com)  
[dcook@hard-law.com](mailto:dcook@hard-law.com)  
[jpottter@hard-law.com](mailto:jpottter@hard-law.com)  
[kkoplon@hard-law.com](mailto:kkoplon@hard-law.com)

/s/ Mark Ledbetter\_\_\_\_\_  
MARK LEDBETTER, Certifying Attorney